

Amendment and Response under 37 C.F.R. §1.116 – Expedited Examining Procedure

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Serial No.: 10/087,617

Confirmation No.: 7945

Filed: February 27, 2002

For: METHODS FOR GROWTH STIMULATION**Remarks**

Reconsideration and withdrawal of the objections and rejections of the claims, in view of the amendments and remarks presented herein, is respectfully requested. Claims 12-15, 17, 18, 20, 22, 23, 39-42, 44, 45, 47, 49, and 50 are cancelled. Claims 16, 19, 43, and 46 are amended. Claims 1-6, 8, 11, 16, 19, 24-33, 35-38, 43, 46, and 51-56 are currently pending.

Claims 16, 19, 43, and 46 were amended to place the claims into independent form, as suggested by the Examiner. Claim 26 was amended to clarify the claim.

The Examiner is respectfully requested to reconsider the patentability of claims 36 and 37 in view of the patentability of claim 25.

Rejection under 35 U.S.C. § 102(b)

The Examiner rejected claims 12-15, 17, 18, 20, 22, 23, 36, 37, 39-42, 44, 45, 47, 49, and 50 under 35 U.S.C. § 102(b) alleging that the claims are anticipated by Schonberg (U.S. Patent No. 4,625,728). Cancellation of claims 12-15, 17, 18, 20, 22, 23, 39-42, 44, 45, 47, 49, and 50 renders the rejection moot with regard to the cancelled claims. This rejection is respectfully traversed with regard to claims 36 and 37.

Claim 25 is directed to a method for increasing muscle weight in a bird, the method comprising: exposing an egg to a monochromatic light for a photoperiod; and hatching the egg, wherein the bird that hatches from the egg has greater muscle weight at about 28 days after hatching compared to a bird that hatches from an egg not exposed to the monochromatic light.

Claim 36 is directed to a method for increasing muscle weight in a bird, the method comprising: exposing an egg to a monochromatic light for a photoperiod comprising a light period and a dark period, wherein the monochromatic light comprises a peak wavelength of at least about 550 nm to no greater than about 570 nm; and hatching the egg, wherein the bird that hatches from the egg has greater muscle weight at about 28 days after hatching compared to a bird that hatches from an egg not exposed to the monochromatic light.

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Claim 37 is directed to a method for increasing muscle weight in a bird, the method comprising: exposing an egg to a monochromatic light for a photoperiod comprising a light period and a dark period, wherein each light period and each dark period are each independently at least about 3 minutes, and wherein the monochromatic light comprises a peak wavelength of at least about 550 nm to no greater than about 570 nm; and hatching the egg, wherein the bird that hatches from the egg has greater muscle weight at about 28 days after hatching compared to a bird that hatches from an egg not exposed to the monochromatic light.

Applicant respectfully emphasizes that claim 25 has been found to be patentable, and that claims 36 and 37 include limitations that are not found in claim 25. Accordingly, Applicant respectfully asserts that, because claim 25 has been found to be patentable, claims 36 and 37 are also patentable. Accordingly, reconsideration and withdrawal of the rejection of claims 36 and 37 is respectfully requested.

Allowable Subject Matter

The Examiner objected to claims 16, 19, 43, and 46 as being dependent upon a rejected base claim, but indicated that the claims would be allowable in rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicants have amended claims 16, 19, 43, and 46 to place them into independent form, as suggested by the Examiner. Accordingly, reconsideration and withdrawal of the objections to claims 16, 19, 43, and 46 is respectfully requested.

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Summary

It is respectfully submitted that the pending claims 1-6, 8, 11, 16, 19, 24-33, 35-38, 43, 46, and 51-56 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2 day of FEBRUARY, 2004, at 1:43 pm (Central Time).

By: SAM HER
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